

United States Court of Appeals
For the Eighth Circuit

No. 12-2652

Jason Price

Plaintiff - Appellant

v.

Steve Larkins, Warden, ERDCC, Individually; Larry Short, Functional Unit Manager, ERDCC, Individually; Unknown Wescott, Sergeant, Correctional Officer II, ERDCC, Individually; Unknown Miller, Correctional Officer I, ERDCC, Individually; Unknown Holifield, Correctional Officer I, ERDCC, Individually; Michelle Williford, Correctional Officer I, ERDCC, Individually

Defendants - Appellees

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: January 29, 2013

Filed: February 27, 2013

[Unpublished]

Before BYE, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

Inmate Jason Price appeals the district court's¹ adverse grant of summary judgment in his 42 U.S.C. § 1983 action. Upon de novo review, see Whitson v. Stone County Jail, 602 F.3d 920, 923 (8th Cir. 2010), we agree with the district court that the record does not create a jury issue on whether defendants violated the Eighth Amendment by failing to avert an attack that Price suffered at the hands of a fellow inmate, see Young v. Selk, 508 F.3d 868, 871-72 (8th Cir. 2007) (under Eighth Amendment's prohibition against cruel and unusual punishment, prison officials must take reasonable steps to guarantee inmate safety by protecting them from attacks by other inmates). Because we agree with the court that the record does not establish an Eighth Amendment violation, we need not address the issue of qualified immunity. See Schmidt v. City of Bella Villa, 557 F.3d 564, 574 (8th Cir. 2009). The judgment of the district court is affirmed.

¹The Honorable Audrey G. Fleissig, United States District Judge for the Eastern District of Missouri.